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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,783	12/22/1998	PEGGY M. STUMER	98-P-7977-US	2633

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/218,783	<b>Applicant(s)</b> STUMER ET AL.	
	<b>Examiner</b> Thjuan P. Knowlin	<b>Art Unit</b> 2642	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attachment (Response to Arguments).  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

Examiner: Thjuan P. Knowlin  
 Phone: (571) 272-7486

### ***Response to Arguments***

1. Applicant's arguments filed January 23, 2006 have been fully considered but they are not persuasive.

2. Applicants argue that Miloslavsky says nothing about what happens if the routed call goes unanswered, if the designated line is busy, or if the agent has set the do-not-call feature for the station. Applicants further argue that Miloslavsky fails to teach or suggest, a system or method, wherein members pickup calls routed to an identified best available agent.

3. Applicants argue that Miloslavsky says nothing about what happens if the routed call goes unanswered, if the designated line is busy, or if the agent has set the do-not-call feature for the station. However, <sup>neither</sup> a designated busy line, nor the setting of a do-not-call feature is recited in the claims, therefore, Examiner will only address the limitation of an unanswered call. In col. 4 lines 24-30, Miloslavsky teaches a system that is able to adapt to handle failures (e.g. traffic, busy signals, no answer) within a group pickup system. Miloslavsky further teaches a network failure, which may include a vacant number (e.g. whether an agent is available or active) (See col. 5 lines 12-19 and col. 5 lines 54-67). Applicants state that Miloslavsky fails to teach or suggest, a system or method, where members pickup calls routed to an identified best available agent. However, an identified best available agent is not recited in the claims. Therefore, Examiner will not address this limitation. Miloslavsky, however, does teach and suggest a group pickup system (See Fig. 2, call center 162, and call center 180) and method in

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a communication network (See Fig. 2) having one or more servers (See Fig. 2, CTI server 170, and CTI server 184), comprising: one or more call group locations associated with different ones of said one or more servers (See col. 1 lines 12-14, col. 2 lines 15-19, and col. 4-5 lines 66-7); an invite request unit to invoke the group pickup system (See col. 2 lines 38-49 and col. 8 lines 17-31); a group pickup request unit responsive to said invite request unit to establish a connection to a group pickup destination (See Fig. 2 and call center 180) to enable a caller station to be picked up from said destination, said destination comprising any of said one or more group locations and selected responsive to one of an alerting group member location and a responding group member location; and a retrieval request unit to connect a call pickup system station with said caller station; wherein a call group associated with said call pickup station can have members associated with different ones of said one or more call group locations (See col. 2 lines 38-60 and col. 8 lines 17-40).



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